

Tippecanoe County Drainage Board

Minutes

November 2, 2005

Regular Meeting

Those present were:

Tippecanoe County Drainage Board President Ruth Shedd, Vice President John Knochel, member KD Benson, County Surveyor Steve Murray, Drainage Board Attorney Dave Luhman, Drainage Board Engineering Consultant Dave Eichelberger from Christopher B. Burke Engineering Limited, Drainage Board Secretary Brenda Garrison. John Stoltz from Christopher B. Burke Engineering Limited and GIS Technician Shelli Muller were also in attendance.

Approval of Minutes

John Knochel made a motion to approve the October 5, 2005 Meeting Minutes. KD Benson seconded the motion. The October 5, 2005 Regular Drainage Board Minutes were approved as written.

Hadley Moors PD

Ruth Shedd stated a continuance request to the December meeting from Randy Peterson of Fishers and Associates was received. KD Benson made a motion to grant a continuance for the Hadley Moors PD to the December meeting. John Knochel seconded the motion. Hadley Moors PD was continued by request to the December Regular Drainage Board Meeting.

Ichiya Industrial Tracts

Paul Coutts of C&S Engineering appeared before the Board to request final approval for the Ichiya Industrial Tracts project. The site consisted of forty acres located north of County Road 400 South and west of County Road 500 East adjacent to the 52 South Industrial Subdivision Phase 2. Access drives would be constructed from both County Road 400 South and County Road 500 East. He presented a proof of publication required with the Notice of Intent. He stated there would be four ten-acre tracts. He distributed a map of the site to the Board members, which indicated the overall drainage plan. Runoff from Ichiya Industrial tracts would utilize existing pipes under Dale Drive and ultimately to "Pond 1" located in the northwestern corner of the 52 South Industrial Subdivision Phase 2. Regarding condition number three of the October 28, 2005 Burke memo, Paul requested a waiver for the impact fees for the JN Kirkpatrick Detention Basin. He stated Rick Johnson owner of the site was in attendance. Paul calculated the cost of the storage would be approximately \$121,500.00. In his opinion Mr. Johnson was being penalized due to site flow restrictions as well as onsite detention facility requirements, which eliminated acreage available for development. Therefore he respectfully requested a waiver of the impact fees. He stated Mr. Johnson would like to speak to the Board regarding the waiver. The Surveyor noted historically the Drainage Board had not granted a waiver for impact fees. He stated the possibility of reconstructing the existing tile to an open ditch. The site ultimately discharged to the upper JN Kirkpatrick Regulated Drain. The 52 South Industrial Subdivision Phase 2 site runoff drained through the pipes under US 52 then to the west side ditch of County Road 450 East. The County Highway had re-cut the ditch a couple years ago. The water now sheet flowed over the LUR and Dougherty Farm property from the side ditch on Co. Rd. 450 East. There was potential as the reconstruction was completed on the drain that the onsite ponds could be eliminated. Historically detention ponds were in place on a temporary basis in the interim of construction on a regional detention basin. He was not in favor of recommending a waiver to the Board. In response to Ruth's inquiry, the Surveyor stated the ponds for this development were platted as permanent. Dave Eichelberger stated the general release rate per ordinance should be used for calculating the cost and felt it would be lower than what Paul had calculated. Paul stated he felt the cost would still be high and a major setback for Mr. Johnson. In response to Dave Luhman's inquiry, Dave Eichelberger noted the volume that the regional pond was required to hold would not be reduced due to the onsite detention ponds.

At that time Rick Johnson approached the Board. He stated the Wallace Farm was purchased in "chunks" by request of the owner for tax purposes. A sixty-six acre tract was purchased and Hawkins did a drainage study of the entire sixty-six acre tract. He stated he had given up prime frontage along US 52 for drainage facilities for the US 52 Industrial Subdivision. He felt he was being penalized, as he had to give up land for drainage, plus pay a fee. He understood development was needed, however ground cost in Tippecanoe County in his opinion was driven up due to these issues. He noted he was hit on both ends giving up land for drainage as well as paying a fee. The Surveyor stated he understood the concern. However he noted Phase 1 and Phase 2 of the 52 South Industrial Subdivision was approved by the Board without fees. He also noted ponds have been required in the past as well within a regional detention facility area. (i.e.: Berlowitz and F-Lake) The Surveyor then recommended the project be granted final approval and he would meet with Mr. Johnson to work out a fee for the impact. He stated the \$15000.00 per acre-foot fee was determined due to the unknown cost of the project. He stated he was willing to sit

down and negotiate a fare fee. John Knochel stated that he agreed the Surveyor should meet with Mr. Johnson, as it did appear he was getting hit hard giving up ground in addition to paying a fee for drainage of the property. Steve then stated the proposed reconstruction cost of the upper JN Kirkpatrick Regulated Drain along with the detention basin was upwards of six million dollars. KD stated onsite storage was required so downstream owners were not affected by the drainage, (Steve interjected it was partially due to restriction- outlet wise- under US 52) as well as the need to outlet water so ponds did not detain water at all times. She stated she would vote against granting the waiver, she felt the other landowners within the watershed should not have to subsidize the development. She stated EDIT monies may be looked at to possibly lower the development costs if indeed companies were ready to locate there providing jobs to the community- as Mr. Johnson had indicated. Dave Luhman stated the waiver request could be tabled (discussion for the appropriate fee would be separate and the approval for the drainage plans could be granted today. John Knochel moved condition #3 (regarding the Ichiya Industrial Tract drainage impact fees) of the October 28, 2005 Burke memo be tabled until the December meeting. KD Benson seconded the motion. A waiver for condition #3 of the October 28, 2005 Burke memo on the Ichiya Industrial Tracts was tabled until the December Drainage Board meeting. John Knochel made a motion to grant final approval with conditions (excluding condition #3) stated on the October 28, 2005 Burke memo for Ichiya Industrial Tracts. KD Benson seconded the motion. Ichiya Industrial Tracts was granted final approval with the conditions as aforementioned. Condition #3 of the October 28, 2005 Burke memo was tabled until the December meeting.

Other Business

The Surveyor requested the Drainage Board refer the upper JN Kirkpatrick and the Julius Berlowitz (including the Felbaum Branch) Regulated Drains to the Surveyor for a Reconstruction Report. Both drains were on his prioritization list and listed as Urban Drains, which by definition meant they were in need of reconstruction. He explained in order to investigate the possibility of reconstruction to the drains; the referral from the Board was required. He stated the possibility of reconstruction costs paid from a combination of participation fees, EDIT money and reconstruction fees. He would review all of the options. The Surveyor then reviewed the routes of the drains for the Board at that time. John Knochel made a motion to refer the Upper JN Kirkpatrick and the J. Berlowitz Regulated Drains for a study on reconstruction. KD Benson seconded the motion. The Board referred the aforementioned drains to the Surveyor for a reconstruction study as requested.

Raintree Subdivision /Maintenance Bond

The Surveyor presented Maintenance Bond #174503, dated October 12, 2005 in the amount of \$17230.00 submitted by Atlas Excavating for Raintree Subdivision and requested acceptance by the Board. John Knochel made a motion to accept Maintenance Bond #174503, dated October 12, 2005 in the amount of \$17230.00 received from Atlas Excavating for Raintree Subdivision. KD Benson seconded the motion. The Board accepted maintenance Bond #174503, dated October 12, 2005 in the amount of \$17230.00 received from Atlas Excavating for Raintree Subdivision.

26 Crossings/ Lot 7

Encroachment Petition Alexander Ross Regulated Drain Crossing

Tim Beyer presented an Encroachment Petition to the Drainage Board requesting encroachment of the open ditch portion on the Alexander Ross Regulated Drain. The crossing would be located on lot 7 within the 26 Crossing Subdivision. Tim stated the crossing would provide access to the commercial lots between the pond west of Meijers and Interstate 65. It would also loop the access between Meijer Court to Meijer Drive. Two culverts were proposed for the crossing. Ruth Shedd asked for public comments. There were none. The Surveyor recommended approval of the encroachment with the conditions as follows: the maximum elevation of the crossing should not exceed the elevation of Interstate 65, elevation shots of the proposed invert pipes should be established, a more detailed relocation of an existing storm line to be coordinated with the owner (to insure the relocation would handle the flow as originally approved), and finally a recently revised Encroachment Petition form should be utilized and recorded once approved. Tim Beyer stated the owner would agree to the conditions as stated. John Knochel made a motion to approve the Encroachment Petition with the conditions as noted by the Surveyor and agreed to by the owner. KD Benson seconded the motion. The Encroachment Petition was approved with conditions as follows: the maximum elevation of the crossing should not exceed the elevation of Interstate 65, elevation shots of the proposed invert pipes should be established, a more detailed relocation of an existing storm line to be coordinated with the owner (to insure the relocation would handle the flow as originally approved), and the utilization of the recently revised Encroachment Petition form and once approved to be recorded by the developer.

Phase II

Schedule of Fees and Forms

The Surveyor informed the Board the Attorney had worked up a draft schedule of fees without the ordinance language. The Surveyor recommended striking the fines and penalties listed on the draft since they were already covered in the existing

County Stormwater Quality Ordinance. Examples of the fees on recent developments were as follows: Polo Fields (18 acres) base fee would be \$860.00. Park 350 Industrial Park on the LUR Property \$5750.00. Lafayette Wal Mart base fee \$2350.00. These fees covered inspections for Rule 5 and Rule 13, as well as inspections for a mandatory period of 3 years. Fees were also included for outlets to regulated drains (Johnson and Hancock Counties charged these fees for hookup or discharge to regulated drains). The Surveyor felt the fee for agricultural tiles hookup to regulated drains be reduced or eliminated. He felt the farmer should be required to get the Surveyor 's Office approval for hookup into a regulated drain, however he did not feel they should be charged a fee.

He requested approval for the final Phase II fees ordinance to be approved for first reading at the Commissioners meeting on November 21st. He noted the consultants Christopher B. Burke Engineering LTD recommended the proposed fees. Dave reviewed the areas the fees would cover. The final Permit Fee Ordinance should be heard for the first reading at the Commissioners meeting as well as the next Drainage Board meeting. The fees would cover various investigation or inspection costs incurred by the Surveyor's office. In response to Ruth's inquiry, the Surveyor stated by law if an approval of a hookup was not obtained before hand, the persons can be made to unhook it. A letter would be sent to all the contractors within the area regarding the rules of hookup and discharges into County Regulated Drains. He stated the Stormwater Coordinator was working on packets to be given to area builders by the Building Commission office upon request of a building permit. In addition, the Coordinator had drafted several standardized forms and notices to be used in the implementation of Phase II. He stated the Building Commission office and Area Plan office have been working closely with the Surveyor office during this process. John Knochel motioned to instruct the Attorney to prepare the Permit Fee Ordinance to be submitted at the Nov. 21st Commissioners meeting for first reading. KD Benson seconded the motion. The motion passed and the Permit Fee Ordinance would be submitted at the Nov. 21st Commissioners meeting for first reading.

Delphine Anson Regulated Drain #4

Amended Schedule of Assessments for Reconstruction and Periodic Maintenance

The Attorney submitted the Delphine Anson Regulated Drain #4 Amended Assessment Schedule list for Reconstruction and Periodic Maintenance to the Board for approval and filing with the Auditor's office. The amendments were due to inconsistencies between the GIS tract information and the actual onsite tract information. The inconsistencies have been amended. The Surveyor stated in the future the GIS tract information would be compared with the tax program for any inconsistencies before submission of scheduled assessments to the Board. The adopted tract information was taken from the tax program. GIS was made aware of this issue. The Delphine Anson Regulated Drain #4 Amended Assessment Schedule list for Reconstruction and Periodic Maintenance was presented for approval and filing with the Auditor's office. John Knochel made a motion to accept the Amended Assessment Schedule list for Reconstruction and Periodic maintenance of the Delphine Anson Regulated Drain #4 and file with the Auditor's office. KD Benson seconded the motion. The Delphine Anson Regulated Drain #4 Amended Assessment Schedule list for Reconstruction and Periodic Maintenance was approved as presented and would be filed with the Auditor office.

Public Comment

Ruth Shedd opened the floor for public comment. As there was none, John Knochel made a motion to adjourn. KD Benson seconded the motion. The meeting was adjourned.

Ruth Shedd, President

John Knochel, Vice President

Brenda Garrison, Secretary

KD Benson, Member